

Highlights for Final Human Rights Ordinance

- **Section 25-1, Declaration of Policy:** shortened from HRCTF version, but substantively the same as the recommended HRCTF final draft.
- **Section 25-2, Definitions:** added since the recommended HRCTF final draft; includes definition of term “discriminatory practice” (term traces to the definition in Title 25 OS Sec. 1201); note that certain specifics in regard to the meaning of the terms “sex” and “gender are specified (see HR Ordinance draft, Subsection 25-2(3)).
- **Sections 25-4 and 25-5, Size/composition of HRC and terms/removal:** 9 members, one from each ward, one at-large. The at-large member will be the HRC Chair. HRC Vice-Chair will be elected on an annual basis by the HRC. One member must be a lawyer. Mayor will use *reasonable* efforts to appoint a majority from recognized minority groups. HRC members will serve a term of 3 years—but members initially appointed from even-numbered wards serve a term of 2 years, though successors will serve 3 years.
- **Section 25-6, Rules; meetings, quorums:** 5 of the 9 members of the HRC will constitute a quorum.
- **Section 25-7, Powers; duties; functions:** HRC powers are copied from Title 25 statutes, but wording added in introductory paragraph to tie more closely to employment, housing, and public accommodations; and initiation of Complaints by HRC itself are subject to the written consent of the alleged aggrieved party or parties.
- **Section 25-8, Compliance Officer:** amended to clarify that the City Manager will have sole discretion to appoint the Compliance Officer of his/her choice; and other employees will be assigned to assist the HRC at the sole discretion of the CM.
- **Section 25-9, Complaint, investigation, and resolution process:**
 - When Complaint filed, notice is given to Respondent.
 - Compliance Officer for HRC (CO appointed by CM) initially reviews with MC attorney for possible discretionary referral of Title 25 of Oklahoma Statutes to a State (or potentially a Federal) official or agency or local organization.
 - If Complaint alleges a violation of Municipal Code Art. IV, Ch. 25 (incidents involving personal injury or property damage performed by the perpetrator with a discriminatory animus), it is immediately referred to law enforcement for investigation; and potential prosecution, if any, would be in either in State District Court (DA discretion) or the Municipal Court.
 - If Title 25 Complaint is not referred, then Compliance Officer notifies Respondent and Respondent “may” file an Answer.

- After or during a fuller investigation, Compliance Officer must confer with the MC attorney to determine if there is reasonable cause to believe a Title 25 violation has occurred.
 - If result is “no reasonable cause,” Compliance Officer enters Order with findings and no further action is taken on the Complaint.
 - If result is “yes, there is reasonable cause,” Compliance Officer will seek to conciliate the dispute between the parties; Respondent’s participation will be discretionary.
 - If Conciliation occurs, a Conciliation Order is entered by the Compliance Officer and all parties must sign.
 - If Conciliation fails, or if the Conciliation Order is signed but not followed, then Compliance Officer meets with MC attorney to determine if Complaint should be referred to State or Federal officer or agency or local organization with jurisdiction or if no further action should be taken.
 - Note that Title 25 Complaints will be subject only to the administrative process and possible conciliation (meaning mediation) or referral to a State or Federal officer/agency or local organization. Title 25 Complaints will not be prosecuted in Municipal Court.
- **Section 25-10, Limitations and other remedies:** The HRC will not consider the following:
 - Incidents involving any City official or employee acting in such capacity will not be handled by the HRC.
 - Incidents involving any federal, state, county, or public school official or employee will not be handled by the HRC.
 - If a remedy is sought by a complainant from some other public body or entity, the HRC will not consider or handle the Complaint.
 - Finally, the provisions of the HRC Ordinance are not intended to supersede any other remedies or procedures provided by law.